

Message Text

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JUSTICE - MR. M. STEIN(INFO)

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FM SECSTATE WASHDC

TO AMEMBASSY CARACAS IMMEDIATE

C O N F I D E N T I A L STATE 176346

E.O. 11652: GDS

TAGS: PFOR, VE

SUBJECT: EXTRADITION -- CARLO 00ORDONI

REF: (A) STATE 130827; (B) CARACAS 8265; (C) STATE 155363.

1. MEETING HELD IN DEPARTMENT TODAY WITH REPRESENTATIVES OF JUSTICE AND U.S. ATTORNEY CONCERNING BORDONI EXTRADITION. THIS OF UTMOST CONCERN AS BORDONI (SEE REFTTEL (A)) INVOLVED IN COLLAPSE OF FRANKLIN BANK, LARGEST BANK FAILURE IN U.S. HISTORY. BORDONI, AN ITALIAN NATIONAL, CHARGED IN SOUTHERN DISTRICT OF NEW YORK IN 87 COUNTS WITH MISAPPLICATION OF MORE THAN 30 MILLION DOLLARS OF FUNDS OF BANK. BORDONI WAS A MEMBER OF BOARD OF DIRECTORS OF FRANKLIN NEW YORK CORPORATION FROM 1972 TO JUNE 1974, WHICH IS HOLDING COMPANY FOR FRANKLIN NATIONAL BANK. IN THIS CAPACITY, BORDONI DIRECTLY RESPONSIBLE FOR BANK'S LOSSES.

2. DEPARTMENT TO MEET WITH MINISTER COUNSELOR DR. PAPORANI OF VENEZUELAN EMBASSY ON JULY 19 TO CONVEY U.S. DESIRE FOR BORDONI'S EXTRADITION AND CONCERN OVER ALLEGED ACQUISITION OF VENEZUELAN CITIZENSHIP.

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3. ACTION REQUESTED: DEPARTMENT APPRECIATIVE IF EMBASSY

RESPONDS TO FOLLOWING INQUIRIES CONCERNING EXTRADITION OF BORDONI:

(A) DESCRIBE THE ORDINARY PROCESS BY WHICH AN ITALIAN NATIONAL LIVING IN CARACAS WOULD OBTAIN VENEZUELAN CITIZENSHIP.

(1) WHAT IS THE RESIDENCY REQUIREMENT?

(2) CAN IT BE WAIVED UNDER ANY CIRCUMSTANCES?

(3) WHO HAS AUTHORITY TO WAIVE SUCH A REQUIREMENT?

(B) WHAT PAPERS DID BORDONI FILE IN REQUESTING CITIZENSHIP AS DESCRIBED REFTEL (B)?

(C) DID BORDONI INFORM THE VENEZUELAN GOVERNMENT OF CHARGES PENDING IN U.S.? ITALY? GERMANY? WAS THERE ANY QUESTION REQUIRING THESE ANSWERS WHICH WAS ANSWERED FALSELY?

(D) IN BORDONI'S CASE, WAS THE RESIDENCY REQUIREMENT WAIVED? IF SO, WHO WAIVED IT? (FYI -- THE ONLY INFORMATION WE HAVE AS TO BORDONI'S CITIZENSHIP IS THAT HE ARRIVED IN VENEZUELA AND TOOK UP RESIDENCE ON OCTOBER 23, 1974. HE MADE AN APPLICATION FOR CITIZENSHIP WHICH WAS DENIED ON OCTOBER 20, 1975 FOR FAILURE TO COMPLY WITH A 5-YEAR RESIDENCY REQUIREMENT.)

(E) WHAT INDIVIDUAL VENEZUELAN OFFICIALS ACTED ON BORDONI'S SUCCESSFUL APPLICATION FOR CITIZENSHIP? WHAT WERE THEIR RESPECTIVE POSITIONS? WHAT WAS THE EFFECT OF THE ACTIONS TAKEN BY EACH OFFICIAL?

(F) BASED ON MARCH 10, 1975 INTERPOL FUGITIVE CIRCULAR, INTERPOL CARACAS INFORMED THE U.S. LEGAL ATTACHE IN CARACAS THAT BORDONI HAD BEEN LOCATED IN CARACAS. CAN YOU DETERMINE IF THE OFFICIALS ACTING ON THE BORDONI CITIZENSHIP REQUEST WERE AWARE OF THIS INFORMATION? IF NOT, WAS ANY OFFICIAL IN THE VENEZUELAN GOVERNMENT AWARE OF THIS CONFIDENTIAL

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INFORMATION?

(G) (FYI -- OUR INFORMATION IS THAT THE PRESIDENT OF VENEZUELA ORDERED BORDONI'S ARREST AND STATED HE WOULD NOT BE RELEASED DESPITE U.S. POSITION TO THE CONTRARY. HE WAS, HOWEVER, RELEASED.) CAN EMBASSY INQUIRE CAUSE OF RELEASE?

(H) WHAT IS THE NATURE OF THE INQUIRY INTO THE MANNER BORDONI OBTAINED CITIZENSHIP? WHAT IS THE STATUS OF THIS INQUIRY? WHAT WOULD BE THE POSSIBLE EFFECT OF THIS INQUIRY ON OUR EXTRADITION REQUEST? CAN EXTRADITION PROCEEDINGS CONTINUE WHILE QUESTIONS OF CITIZENSHIP ARE BEING INVESTIGATED?

(I) WAS ARREST OF BORDONI PURSUANT TO U.S. EXTRADI-

TION REQUEST? IF BORDONI WAS ARRESTED ON JULY 2, 1976 FOR EXTRADITION, IS OUR TIME UNDER ARTICLE XII OF THE TREATY RUNNING? SHOULD CASE CONTINUE, CAN WE ASSUME BORDONI WILL BE KEPT IN CONFINEMENT? IN ANY EVENT, HAS BORDONI BEEN REQUIRED TO SURRENDER HIS ITALIAN PASSPORT AND ANY DOCUMENTS REQUISITE FOR TRAVEL ISSUED BY VENEZUELAN GOVERNMENT?

(J) THIS INQUIRY IS BASED ON INFORMATION THAT BORDONI HAS IN FACT OBTAINED CITIZENSHIP IN VENEZUELA. CAN YOU CONFIRM THIS OR EXPLAIN?

(K) CAN YOU OBTAIN COPIES OF ALL PAPERS FILED BY OR ON BEHALF OF BORDONI IN CONNECTION WITH HIS RESIDENCY AND APPLICATION FOR CITIZENSHIP IN VENEZUELA?

4. IN LIGHT OF BORDONI'S ACTIONS, ALL NEGOTIATIONS WITH HIS ATTORNEYS IN NEW YORK AND THE U.S. ATTORNEY HAVE BEEN TERMINATED. THUS, THE USG POSITION SET FORTH IN REFTEL (B) IS NO LONGER IN EFFECT. JUSTICE IS PREPARING DOCUMENTATION TO SUPPORT FORMAL REQUEST. KISSINGER

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